

**REGIONAL MUNICIPALITY**  
**PLANNING SERVICES COMMITTEE**

**REPORT 9-2005**

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Minutes of a meeting of the Planning Services Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario on Wednesday, June 1, 2005 commencing at 2:15 p.m.

**ATTENDANCE**

Committee: Councillors Smeaton, Chair; Baty, Gabriel, Hildreth, Katzman, Marshall, Timms.

Staff: Messrs. Cambray, Commissioner, Planning & Development; Farley, Director, Planning Services; Ms. Reilly, Legislative Assistant.

Staff (Part Time): Mr. Semple, Senior Planner, Policy Plan Amendments.

**QUORUM**

There being a lack of ordinary quorum at the meeting, the Committee Chair determined that the ordinary quorum for the meeting be reduced to five members, pursuant to Part 11, Section 11.7 of the Procedural By-law 7174-93.

**ADMINISTRATION**

127. Overview of the 2005 Provincial Policy Statement

Moved by Councillor Hildreth  
Seconded by Councillor Timms

That Report DPD 60-2005, April 20, 2005, respecting the Overview of the 2005 Provincial Policy Statement, be deferred to the next Planning Services Committee meeting on June 22, 2005.

Carried.

**DEVELOPMENT IMPLEMENTATION SERVICES**

128. Appeal of Consent Applications  
B06/2005/NF and B07/2005/NF  
Douglas and Ingrid Kneller  
Grassy Brook Road, East of McKenney Road  
City of Niagara Falls

Mr. Farley, Director, Planning Services, provided an overview of the two consent applications. Mr. Farley noted that the policies of the Regional Policy Plan and the Provincial Policy Statement discourage the creation of lots for non-arm uses including non-farm dwellings in agricultural areas. He commented that the lots proposed by Consent applications B06/2005/NF and B07/2005/NF do not meet the Regional and Provincial criteria for the severance of infilling lots.

Mr. Jack Benardi, planning consultant, advised that he didn't disagree with the staff report but noted in previous appeal reports that the Planning Department previously had noted that there is non-farm development here and he commented that there is little impact on agriculture areas. Mr. Bernardi urged Committee not to approve Planning staff's recommendations.

Moved by Councillor Timms  
Seconded by Councillor Baty

That Report DPD 86-2005, June 1, 2005, respecting the Appeal of Consent Applications B06/2005/NF and B07/2005/NF, Douglas and Ingrid Kneller, Grassy Brook Road, east of McKenney Road in the City of Niagara Falls, be received and that Regional Council withdraw its appeal.

Carried.

*A quorum was present at 2:30 p.m.*

129. Official Plan Amendment No. 58  
Relocation of Zehrs Supermarket  
Dorchester Road, South of Morrison Street  
City of Niagara Falls

Mr. Farley apprised Committee of the purpose of the amendment which will permit the construction of a new, larger Zehrs Superstore on an adjacent site and the retenuing of the existing Zehrs store. He advised that since the writing of Report DPD 77-2005, a letter from the City of Niagara Falls (PD 36-2005 attached to the addendum) was received requesting further minor modification to the proposed amendment with which Planning Staff supports as part of the report's recommendation.

Jonathan Rodger, Zelinka Priamo Ltd. and Fred Paul, Hynde, Paul Associates spoke in support of staff's recommendation noting that all issues relating to traffic improvements have been dealt with.

Moved by Councillor Baty  
Seconded by Councillor Katzman

That Report DPD 77-2005, June 1, 2005, respecting the Official Plan Amendment No. 58, Relocation of Zehrs Supermarket, Dorchester Road, south of Morrison Street in the City of Niagara Falls, be received.

That Amendment No. 58 to the City of Niagara Falls Official Plan be approved, subject to modifications to clauses (i) and (ii) of Section 3.2.6.3 of the Amendment regarding the distribution of commercial floor space as outlined in Appendix I and **as per the minor modifications as outlined in Communication PD 36-2005 from the City of Niagara Falls.**

That all parties be notified of Regional Council's decision on this application in accordance with Provincial regulations.

That staff issue a declaration that Council's decision on the Amendment is final if no appeals are lodged within twenty (20) days of giving notice of Council's decision.

Carried.

130. Consent Summary  
From April 22, 2005 to May 12, 2005

Moved by Councillor Timms  
Seconded by Councillor Katzman

That Report DPD 78-2005, June 1, 2005, respecting the Consent Summary from April 22, 2005 to May 12, 2005, be received.

Carried.

131. Regional Comments on Development Proposals  
From April 22, 2005 to May 13, 2005

Moved by Councillor Marshall  
Seconded by Councillor Baty

That Report DPD 79-2005, June 1, 2005, respecting the Regional Comments on Development Proposals from April 22, 2005 to May 13, 2005, be received for information.

Carried.

**POLICY PLANNING**

132. Final Recommendations Report  
Regional Policy Plan Amendments 169 and 186 and  
Town of Grimsby Official Plan Amendment 34  
Town of Grimsby
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Mr. Cambray, Commissioner, Planning and Development, advised that based on the decision by the Province to exclude these lands from the Greenbelt Plan, Planning staff have no objection to the approval of Amendments 169 and 186. As Amendment 169 is currently before the Ontario Municipal Board, Council can only take a position with regard to the approval of this Amendment. It is recommended that the Town of Grimsby Official Plan Amendment No. 34 be supported pending the approval of Regional Policy Plan Amendment No. 169 by the Ontario Municipal Board.

Mr. Greg Hynde, Hynde Paul & Associates, representing the applicant provided an overview of the project. He advised that an Environmental Site Assessment (Phase2) had been completed by Landtek and he circulated a portfolio of photos showing typical site conditions. Mr. Hynde advised that the development will not adversely impact surrounding land uses and that significant changes have been made to the plan of subdivision to address concerns of residents in the area. He also commented that infrastructure is already in place for municipal services. Mr. Hynde urged Committee to support the recommendations within Report DPD 80-2005.

Moved by Councillor Baty  
Seconded by Councillor Hildreth

That Report DPD 80-2005, June 1, 2005, respecting the Final Recommendations Report, Regional Policy Plan Amendments 169 and 186 and Town of Grimsby Official Plan Amendment 34 in the Town of Grimsby, be received.

That the Ontario Municipal Board be notified that Regional Council has no objection to the approval of Amendment No. 169 as an expansion to the Grimsby Urban Area.

That Regional Policy Plan Amendment 186 be approved as an expansion to the Grimsby Urban Area.

That the Town of Grimsby Official Plan Amendment No. 34 be supported pending the approval of Regional Policy Plan Amendment No. 169 by the Ontario Municipal Board.

That notice of Council's decision with regard to Amendment No. 186 be circulated in accordance with Planning Act requirements.

That a copy of this report be circulated to the Town of Grimsby, the Ontario Municipal Board and to the applicants.

Carried.

133. Background Information Report  
Regional Policy Plan Amendment 4-2005  
Reeb Quarry  
Township of Wainfleet

Mr. Cambray highlighted Report DPD 81-2005 regarding an application to amend the Regional Niagara Policy Plan to permit the establishment of a new quarry on 200 acres. He advised that the Planning and Development Department intends to coordinate the review of this application with the Township of Wainfleet including the holding of a joint public meeting. The date for the public meeting has been changed to June 28, 2005 from June 21, 2005 as originally noted in the report.

Moved by Councillor Timms  
Seconded by Councillor Hildreth

That Report DPD 81-2005, June 1, 2005, respecting the Background Information Report, Regional Policy Plan Amendment 4-2005, Reeb Quarry in the Township of Wainfleet, be received for information.

Carried.

#### **ADMINISTRATION (Continued)**

134. Appeal of Official Plan Amendment No. 51  
Fernwood Development, Garner Road  
City of Niagara Falls

Mr. Cambray advised that staff will be attending the upcoming Ontario Municipal Board hearing in support of Council's decision on Official Plan Amendment No. 51, Fernwood Development, Niagara Falls. He advised that the Region received notification through the City of Niagara Falls of a pre-hearing on June 17, 2005 to consider not only the amendment but also the plan of subdivision and zoning by-law.

Moved by Councillor Hildreth  
Seconded by Councillor Timms

That Report DPD 82-2005, June 1, 2005, respecting the Appeal of Official Plan Amendment No. 51, Fernwood Development, Garner Road in the City of Niagara Falls, be received.

That Council reaffirm its decision on Official Plan Amendment No. 51 as set out in DPD 2-2005 and direct staff to attend the upcoming Ontario Municipal Board hearing in support of Council's decision on this Amendment and the related subdivision and zoning by-law.

Carried.

135. Review and Development of Stormwater Management and Related Policies

Mr. Farley apprised Committee of a review of stormwater policies. The Niagara Water Quality Protection Strategy identified a list of direct and indirect undertakings to reach its goal of "Water for Life in Niagara". One of the strategies identified was the development of stormwater management, erosion and sedimentation policies. The WQPS Committee has recommended that the Niagara Peninsula Conservation Authority, in cooperation with the Region and other municipalities, undertake this project and is developing a Terms of Reference for the study.

Moved by Councillor Baty  
Seconded by Councillor Marshall

That Report DPD 83-2005, June 1, 2005, respecting the Review and Development of Stormwater Management and Related Policies, be received for information.

Carried.

136. 2005 Central Ontario Municipal Conference  
Sheraton on the Falls Hotel – Niagara Falls  
April 28 – 29, 2005

Mr. Cambray provided a brief overview of the Central Ontario Municipal "Conference held in Niagara Falls. He commented that there were a wide variety of events and sessions of interest including a presentation by Councillor Timms on the history of the Greater Niagara Circle Route.

Moved by Councillor Hildreth  
Seconded by Councillor Timms

That Report DPD 84-2005, June 1, 2005, respecting the 2005 Central Ontario Municipal Conference held at the Sheraton on the Falls Hotel in the City of Niagara Falls, April 28 and 29, 2005, be received for information.

Carried.

137. Overview of the Changes to the *Ontario Heritage Act*

Mr. Cambray highlighted the major changes to the Ontario Heritage Act that were adopted with the passing of Bill 60. One significant change was to Part IV of the Act which allows municipalities to prohibit the demolition of a designated property. The municipality may also choose to allow the demolition but attach conditions. The owner has the right to appeal the decision or conditions to the OMB.

Committee members requested information as set out in the staff directions.

Moved by Councillor Gabriel  
Seconded by Councillor Timms

That Report DPD 85-2005, June 1, 2005, respecting the Overview of the Changes to the *Ontario Heritage Act*, be received for information and circulated to the local municipalities; and

That further information as requested by Committee be provided for the Council meeting on Thursday, June 9, 2005.

Carried.

(Refer to staff directions on page PS 97.)

138. Minutes of the Greater Niagara Circle Route Committee  
Wednesday, April 27, 2005

Moved by Councillor Timms  
Seconded by Councillor Hildreth

That minutes of the Greater Niagara Circle Route Committee meeting held Wednesday, April 27, 2005, be received and the recommendations therein be approved.

Carried.

139. Minutes of the Agricultural Sub Committee  
Tuesday, April 19, 2005

Moved by Councillor Marshall  
Seconded by Councillor Hildreth

That the minutes of the Agricultural Sub Committee meeting held Tuesday, April 19, 2005, be received and the recommendations therein be approved.

Carried.

### **CORRESPONDENCE**

140. Moved by Councillor Timms  
Seconded by Councillor Hildreth

That Communication PD 33-2005 Letter from Glen Schnarr & Associates Inc., on behalf of Consulate Ventures Inc., with comments on Amendment 60 to the Niagara Falls Official Plan, be received and staff is to notify of Regional Council's decision.

Carried.

141. Moved by Councillor Baty  
Seconded by Councillor Katzman

That Communication PD 35-2005 Tour of selected Pits and Quarries in Niagara.

Date: Friday, June 10, 2005  
Time: 8:00 a.m. – 12:00 p.m.  
Begins at: Vineland Quarries, Cherry Avenue (Sugar Bush)Town of Lincoln

be received.

Carried.

142. Moved by Councillor Baty  
Seconded by Councillor Katzman

That Communication PD 36-2005, letter from the City of Niagara Falls Planning Department recommending further modifications to Official Plan Amendment No. 58 precipitated by letter from Zelinka Priamo Ltd, planners for the applicant, be received and approved as part of recommendation on Report DPD 77-2005.

Carried.

143. Moved by Councillor Hildreth  
Seconded by Councillor Baty

That the following communications be received:

- PD 37-2005 Letter from Edward Zwart questioning the past removal of soil on the property west of Douglas Avenue, Town of Grimsby (Proposal Regional Policy Plan Amendment 169).
- PD 38-2005 Letter from Ron Baillie indicating the West Grimsby Homeowners Association has requested information under the Freedom of Information Act around soil sampling, as he has not witnessed soil removal since 1972.

Carried.

### **PUBLIC MEETING**

144. Joint Public Meeting  
Regional Policy Plan Amendment 4-2005 and  
Township of Wainfleet Official Plan Amendment  
Reeb Quarry, Township of Wainfleet

Date: Tuesday, June 21, 2005  
Time: 7:00 p.m.  
Place: Wainfleet Council Chambers

Councillors: Baty, \_\_\_\_\_, \_\_\_\_\_.

### **OTHER BUSINESS**

145. International Trail Days

Councillor Timms advised that International Trails Day is being held on Saturday, June 4, 2005 and has been organized by the Greater Niagara Circle Route, the Ministry of Tourism, Fort Erie, Buffalo and the Niagara County. Participants from both sides of the border will meet in the middle of the Peace Bridge, exchange flags, and continue on to examine trails. Those wishing to participate are to meet at 9:00 a.m. at the Arch in Fort Erie.

146. 3 Week Cycle

Councillor Baty asked if staff coordinating the Sub-Committees could examine the three week cycle to ensure that their meetings do not conflict with Standing Committee meetings as shown on the new 3 week cycle.

147. Notice of Meetings Schedule

Councillor Timms asked if the Notice of Meetings Schedule could include all meetings that Regional Councillors attend.

Moved by Councillor Timms  
Seconded by Councillor Marshall

That the Regional Clerk and C.A.O. provide a report on the feasibility of changing the Notice of Meetings Schedule to include all meetings that Regional Councillors attend.

Carried.

**STAFF DIRECTIONS**

Staff was directed to:

- (i) Provide information with respect to the Ontario Heritage Act as follows:
- With respect to areas designated "Heritage District", would the changes in the Act prohibit owners in those areas from demolishing their buildings if they chose to?
  - Are churches exempt under this Act?
  - If municipalities have been given the power to enact by-laws requiring certain standards for maintenance of heritage properties, what would those standards be (i.e. painting specific colours)?
  - Can the minister delegate by property?
- (Refer to minute 137.)

**ADJOURNMENT**

The Committee adjourned at 3:40 p.m. to meet again at 2:00 p.m. on June 22, 2005, in Committee Room 4, at Regional Headquarters.

Bill Smeaton  
Chair

Gail Reilly  
Legislative Assistant

Anne Hepplewhite  
Acting Regional Clerk